

**FILED**

JUL 15 2021

UNITED STATES DISTRICT COURTS  
EASTERN DISTRICT OF TEXAS  
Sherman DIVISION

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

ANDRE IBRAHIM

Case Number: 4:21cv547  
Mazzant/Johnson

Name of Plaintiff(s)

vs

ROLL - OFF, USA

Name of Defendant(s)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Note: If plaintiff is alleging employment discrimination based on race or color, please also see 42 U.S.C. 1981

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the court by 42 U.S.C. 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g).

- 2.. Plaintiff, ANDRE L. IBRAHIM, is a citizen of the United States  
(name of plaintiff)

and resides at 1016 N BRENTS AVE, SHERMAN  
(street address) (city)

GRAYSON, TX, 75090, (903) 267-1450  
(county) (state) (zip) (telephone)

3.. Defendant, Roll-off USA, resides at, or its business is  
(name of defendant)

located at 8567 US-70, MEAD,  
(street address) (city)

Bryan, OK, 73449, (800) 468-6826  
(county) (state) (zip) (telephone)

4. Plaintiff sought employment from the defendant or was employed by the defendant

at 85 8567 US-70, Mead,  
(street address) (city)

Bryan, OK, 73449.  
(county) (state) (zip)

5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10

of the complaint on or about July, 20<sup>th</sup> 2018.  
(month, day, year)

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraphs 9 and 10 of this complaint on or about March 17<sup>th</sup> 2019.  
(month, day, year)

7. The Equal Employment Commission issued a Notice of Right to Sue which was received by plaintiff on April 15<sup>th</sup> 2021.  
(month day, year)

8. Because of plaintiff's (1) ☒ race, (2) ☒ color, (3) \_\_\_\_\_ sex,

(4) \_\_\_\_\_ national origin, defendant:

a. \_\_\_\_\_ failed to employ plaintiff.

b. ☒ terminated plaintiff's employment.

c. \_\_\_\_\_ failed to promote plaintiff.

d. \_\_\_\_\_ Other \_\_\_\_\_

9. The circumstances under which the defendant discriminated against plaintiff were as follows:

Employer (Defendant) fostered an environment where employees of different race and color along with another supervisor of the same race as them ganged up against the only african supervisor/employee in the company, making false written statement about the only African american employee in the building, Harassing him by calling him "Fagit" (I have audio recorded one incident where a supervisor and his employees were ~~at~~ calling me "fagit" on the floor on break and I express how it wasn't a joke to me but he kept on laughing). A senior manager was always harassing me threatening ~~to~~ to fire ~~me~~ supervisor regularly, He created a pattern of written warnings against me just to have documentation to get me fired.

10. The acts set forth in paragraph 9 of this complaint:

- a. ☐ are still being committed by defendant.
- b. ☐ are no longer being committed by defendant.
- c. ☒ defendant may still be committing the acts.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint. WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- a. ☐ Defendant be directed to employ plaintiff.
- b. ☐ Defendant be directed to re-employ plaintiff.
- c. ☐ Defendant be directed to promote plaintiff.
- d. ☒ Defendant be directed to Pay a Severance package and that the

Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.



(Signature of Plaintiff)

1016 N. Brents Ave  
Sherman, TX 75090  
903-267-1450



provide for my new family. and came to Rolloff USA to apply for a job when my previous employer of 8 year underestimated me and treated me unequally. I filed charges with the EEOC and was needing a new job. I joined Roll-offs with intent to do a great job. I was hired as a shipping and receiving supervisor and I had a part time job in the evening as an operations supervisor for UPS in McKinney.

My job a rolloffs consisted of providing services to the customer, by loading there trailers with roll offs products. My direct report was John Amlin (production manager) he provided me with a load list every morning and my job was to get those product loaded for the customer and also, the customer service personnel was constantly in contact with me to place special order pickup orders or delivery from vendors and parts. My job was detrimental to all the other supervisor because shipping was the last step of production: if the part is not built, or painted I cannot load it, and I have to report to my manager that I cannot load the Product either because the product failed the water test, or the quality of the paint or anything that is a defect in the product will be flagged by me and reported to the production manager to come up with an action plan on how the customer will receive his product on time or late based on the circumstances. My position create an Enemy (Rocky Clark) who was suppose to be my trainer when i came on board. Rolloffs was a dysfunctional place to work for: first unequal treatment I noticed is the fact that the company was paying for work phone and service for all the other supervisors and managers and I was the only one that they didn't provide with a work phone I had to used my personal phone to work because that's how my direct manager was communicating with me throughout the day. I asked for radios to communicate with my forklift operators because most of them will not pick up or feel their phone while working I purchased 5 radios out of pocket from Amazon and the only thing I asked from the plant manager (Randy Erneson) is that he provides us with an industrial repeater that will boost the signal of the radios. Randy would not oblige, instead, he will make threats everyday to fire a supervisor but won't point blank say who. Read the text message that you provide as evidence to the EEOC: the issue was paint not shipping, how do you suggest that the evidence hold against me. The employer is misrepresenting a open communication warning as a write up but if you read that write up, you will notice that the issue is paint, paint drum were not properly stored in the paint room. Who is responsible of paint: Rocky Clack but his friend: Caleb (the safety coordinator) give me a warning. In a normal institution: that never happens like that I am a supervisor not labor if my forklift operator fail to do their jobs, management should let me address the issue with my employee, not jump and give me a warning while my employees are the ones doing the work and I am supervising them. The day when my manager lost his mom, we had a funeral to go to: I left work like every members of management: to be present for my manager (John Amlin) i assigned my forklift operators with their respective work before going to the funeral and returned back to the company a about 1 hour before the end of the shift I asked for those who wants to stay overtime shipping and receiving operations are usually done around 4:30 to 5 pm we don't receive anymore and the gate is shut. Lee Waltkins is the main loader and he stays until 6:30 pm to 8:00 pm loading trailer he's been doing it for 13 years and the Hankins trust him because he is a friend of the family. We were water testing a product and I left for the day as the shift was over: Lee Waltkins was left in the building loading in the yard time stamp would show that he left the facility that night at 6:45 pm. The water from the water testing station was left opened and water ran all night. Randy Erneson make the initiative to give me a warning because my team left the water Faucet opened all night question is: why giving a warning to me what about Lee Waltkins who is my employee and is the last one to leave the building. The difference between the people who really need to be written up and me is the fact that I was a black man and the only black man/and black supervisor working in that building. A delivery was made after hours and I already left the building because my shift was over Randy Erneson gives me a verbal warning and that day I recorded the entire conversation where I told him that I ws not in the building why am I the one receiving the written warning? He reply that if I was gone, I could've let him know before I leave that there was a truck coming for drop off, and I asked how do I know they were coming after hours if nobody informed me? They he reply: this is just an open communication warning just to document that you were counseled about this. I went to the dispatch office and got the delivery papers of that load took a picture of the delivery time and signature of the receiver it was one of my employees who stayed overtime who received the load but left it outside the load was received by Juan Sanchez at 5:40 but Randy Erneson gave me (the supervisor) a verbal warning for the incident. Randy was not my manager but he always managed to give me bogus warning when the real perpetrator was of different race and color than me that's Racism with discrimination and harassment. I have him recorded on my

phone 4 different time threatening to fire a supervisor without announcing exactly who he is referring to just like a coward. Rolloff alleged that I was dancing in the hail storm and exposed my employees to a dangerous weather condition. What they interpreted as a dance was actually an emergency signal (internationally known and used at airports around the world) I wouldn't had to enact that signal if the safety coordinator had sound the sirens indicating an emergency evacuation, I'd they had bought a repeater and I had radios, I could have communicate with my entire team with one push of a button. But talking about safety: I have 2 months worth of pictures of forklift inspection sheets on my phone indicating that the 16 tons caterpillar brakes hydraulic line and pump was out of service but yet that forklift was being operated and authorized for operation by the safety coordinator (Caleb Barry) the plant Manager (Randy Erneson) and the production manager (John Amlin ). And I also have videos showing that caterpillar moving inside the building to pickup 40 yards cans with the managers standing around and the labor employees less that 3-4 feet next to it while it was moving the operator had been driving in without breaks the 40 yard can stops the lift when the forks get close to the base and the operator barely pedal the gas. They could have rent a loaner to run their business rather that exposing civilians to a certain death. The same day of the storm, Lee Waltkins: my loader was nowhere to be fond during the emergency evacuation, I found out that he left the building during the hail storm and went home to his wife then returned to work 40 minutes later: why did he not get terminated for safety violation? You don't leave work during a violent weather condition especially while there is a emergency evacuation enacted: the only difference between Lee Waltkins and me is the fact that I am black and he is Native American, on the same day of the storm, after 20 minutes of hail, the storm turned into rain where it was safe enough to get out of the building, a customer came to pick up a product, Lee Waltkins was missing so I jumped on the new loaner that we just rented to load the customer trailer: John Amlin (my production manger) came to assist and pumped on the stairs of the forklift I immediately hesitate because it was very dangerous: I pulled my phone out of my pocket and push video recording and placed my phone in my front pocket of my shirt with the camera recording the incident as a precaution for me. The surface of the forklift was wet he was holding the frame with one hand and was asking me to keep moving forward to pick up the product and was giving my instructions while riding on the forklift. According to osha, nobody is suppose to ride on a forklift while it's doing work especially when the surface is wet, I captured 4minutes and 21 seconds of that incident. How hypocritical is Roll-offs for trying to use safety violation as a reason to terminate anybody? I recorded a seven minutes and 38 second conversation with John Amlin and Lee Waltkins about 3 weeks after I started working at Rolloff where I was arguing with Lee Waltkins in that office and telling John that I am not comfortable allowing a new employee (Perry) to operate the defective caterpillar because it has no functioning break I emphasized on the fact that it was too dangerous and that I am not at peace with the idea. They decided that Lee Waltkins was going to train him on it and I gave up the fight. Roll- off had Rocky Clack employee write and sign a whiteness statement stating that I was on my phone on social media during work hours, that I was listening to music with my head phone and more but the irony is: those facts cannot be witness it's not humanly possible to know what somebody else is listening on his headphone unless you are physically sharing the headphones or if they were all sitting next time and not working, that would be the only way they could see what I am doing on my personal phone my phone was a working toll but Rolloff is trying to use the electronic policy to state that I was no suppose to be on my phone while working but phone log will show that my manager was the one contacting me and texting me to give me instructions video cameras in the building will show that John Amlin used a blue tooth everyday, Randy Erneson used a Bluetooth everyday to communicate Rocky Clark used his phone all day long, all the labor employee have there radio next to their station playing music while working. If it the electronic policy only apply to me because I am in conflict with Rolloff that means that the policy only apply to the black employee in the building. Even during two hearing, Randy said that I didn't need the Radio because we all use our cell phone to communicate in that building. The entire time that I worked at Rolloff John Amlin who was my direct report has never made any complaint or remark to my job performance, Rocky clack was an equal anything I say to him in confidence or openly Is a conversation between two colleagues and the fact that he goes and report them to HR or anybody is a simple proof that he wanted to destroy me. Even using my father's dead shows that he has no moral code. If management had any concern they should've sat me down and ask me. But everything they did was unprofessional, unethical, uneducated, and shows lack of integrity.

God being a great God, I got  
blessed